

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TYCO HEALTHCARE GROUP LP

Plaintiff,

v.

MEDICAL PRODUCTS, INC.

Defendant.

Civil Action No. 1:04-cv-11524-DPW

**ASSENTED-TO MOTION OF DEFENDANT TO ENLARGE TIME TO RESPOND
TO PLAINTIFF'S MOTION TO COMPEL BY TWO BUSINESS DAYS**

Defendant Medical Products, Inc ("MPI") moves, pursuant to Fed. R. Civ. P. 6(b), to enlarge the time to file its opposition to Plaintiff Tyco Healthcare's Motion to Compel Discovery Concerning Sales of Tyco Healthcare Products by two business days to and including Thursday, January 27, 2005 for the following reasons:

1. On January 11, 2005, the Plaintiff filed a motion to compel discovery concerning identities of MPI's customers names and a supporting memorandum and supporting affidavits. Under Local Rule 7.2(B)(2), the current due date for filing an opposition is January 25, 2005.

2. The two-day enlargement is sought because the weekend's blizzard – with its attendant power outages, and problems with transportation and postal and overnight delivery services –prevented MPI's attorneys from obtaining and preparing documents in support of its opposition. In particular, MPI's attorneys have not obtained affidavits from Eddie McCafferty, MPI President who lives and works in Mississippi, and Melissa Owens, the MPI employee responsible for maintaining MPI's secure computer database, who likewise lives and works in Mississippi. These affidavits are necessary to support MPI's opposition to Plaintiff Tyco

Healthcare's motion to compel disclosure of the identity of MPI's customers, which MPI maintains are protected trade secrets. This information will help the Court resolve the legal issues raised by the Plaintiff's motion more efficiently and effectively.

3. Undersigned counsel for MPI has contacted counsel for the Plaintiff about this request and counsel for the Plaintiff has no objection to the Court granting this Motion.

For these reasons, MPI respectfully requests that the Court enlarge the time for the filing of MPI's Opposition to Plaintiff's Motion to Compel by two business days to and including January 27, 2005.

Respectfully submitted,

MEDICAL PRODUCTS, INC.

By its attorneys,

/s/ Michael B. Galvin

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Dated: January 25, 2005